

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROEL LEMUS GARCIA and DIANA GUZMAN

Defendant..

8:16CR308

ORDER

This matter is before the court on defendant's Unopposed Motion to Continue Trial [36]. Counsel is seeking additional time to resolve the matter short of trial and/or prepare for trial. Defendant shall comply with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that the Motion to Continue Trial [36] is granted as follows:

1. The jury trial, **for both defendants**, now set for February 7, 2017 is continued to **April 4, 2017**.
2. The defendant shall file the affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and April 4, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED January 31, 2017.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge